

NO. 64655

**APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office DEC 03 1998

Returned to applicant for correction _____

Corrected application filed _____

Map filed AUG 06 1982 under 45354

The applicant Stephen H. Bourne & Nelgene H. Bourne, Trustees of S.H. Bourne 1994 Trust, hereby make application for permission to change the Point of Diversion, Manner and Place of Use of a portion of water heretofore appropriated under Permit No. 45355

1. The source of water is McFaul Creek (See attachment.)
2. The amount of water to be changed .047 cfs not to exceed 14.37 AFA
3. The water to be used for Recreation (Also see Item 15.)
4. The water heretofore permitted for Quasi-Municipal
5. The water is to be diverted at the following point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, T.13N., R.18E., M.D.M. from which the northeast corner of said Section 15 bears N 32° 16' 33" E, a distance of 812.25 feet.
6. The existing permitted point of diversion is located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, T.13N., R.18E., M.D.M., situate in Lake Tahoe, from which the southwest corner of said Section 15 bears S 04° 39' 49" W, a distanct of 2,300.8 feet.
7. Proposed place of use Portions of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T.13N., R.18E., M.D.M., the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, T.13N., R.18E., M.D.M. Also see Item 15.
8. Existing place of use See attachment
9. Use will be from January 1 to December 31 of each year.
10. Use was permitted from January 1 to December 31 of each year.
11. Description of proposed works See attachment
12. Estimated cost of works no additional cost anticipated.
13. Estimated time required to construct works Existing works. See Item 11.
14. Estimated time required to complete the application of water to beneficial use **five years**
15. Remarks: See attachment for additional information regarding Permit No. 45355 and supplementary permits and additional information descriptive of proposed manner and place of use.

By Ronald D. Alling, Attorney in Fact
s/ Ronald D. Alling
P O Box 3390
Stateline, NV 89449

Compared gkl/cms hf/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place of use, and manner of use of a portion of the waters of McFaul Creek heretofore granted under Permit 45355 is issued subject to the terms and conditions imposed in said Permit 45355 and with the understanding that no other rights at the source shall be affected by the change proposed herein. A substantial weir or other type of measuring device must be installed at both the inlet and outfall of the lake and accurate measurements must be kept of water impounded. This permit is subject to the final allocation of the State of Nevada under the California-Nevada Interstate Compact Commission. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued with the understanding that 28.91 acre-feet will be passed through the dam to go to Lake Tahoe to provide water for Permits 53767 through 53771, inclusive, 63443, 63444, and 63600.

The 28.91 acre-feet is in addition to any water released to the historical irrigation as stated in the agreement between S.H. Boure-1994 Trust and Eagle Land LLC, dated December 29, 1997.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 14.37 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

August 31, 2001

Proof of completion of work shall be filed before:

September 30, 2001

Water must be placed to beneficial use on or before:

August 31, 2003

Proof of the application of water to beneficial use shall be filed on or before:

September 30, 2003

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 31st day of, August A.D. 2000

Hugh Ricci, P.E.
State Engineer

Completion of work filed AUG 21 2001

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

SUPPLEMENTARY INFORMATION ATTACHMENT
APPLICATION TO CHANGE POINT OF DIVERSION,
MANNER OF USE AND PLACE OF USE FOR PERMIT NO. 45355

Response to Item 1, Source of Water.

The point of diversion for Permit No. 45355 is in Lake Tahoe therefore the source of water for this application is identified as Lake Tahoe. Permit no. 45355 provided for the change of point of diversion for water originating within McFaul Creek, a tributary of Lake Tahoe. Also see Item 15.

Response to Item 3.

The water is proposed to be used to maintain a permanent pool within a reservoir formed by an earth fill dam in the McFaul Creek channel. The reservoir is referred to as Tranquility Lake (formerly Bourne Lake).

Response to Item 8, Existing Place of Use.

The following subdivisions of Section 10, T. 13 N., R. 18 E., M.D.M.:

SW 1/4 SE 1/4

SE 1/4 SE 1/4

Portions of the following subdivisions of Section 15, T. 13 N., R. 18 E., M.D.M.:

NW 1/4 NW 1/4

NE 1/4 NW 1/4

SW 1/4 NW 1/4

SE 1/4 NW 1/4

NW 1/4 NE 1/4

NE 1/4 NE 1/4

SW 1/4 NE 1/4

SE 1/4 NE 1/4

NW 1/4 SW 1/4

NE 1/4 SW 1/4

SW 1/4 SW 1/4

SE 1/4 SW 1/4

NW 1/4 SE 1/4

SW 1/4 SE 1/4

Portions of the following subdivision of Section 16, T. 13 N., R. 18 E., M.D.M.:

NE 1/4 SE 1/4

Response to Item 11, Description of Proposed Works.

No new construction is anticipated. Water flows through the existing McFaul Creek channel into a reservoir at the point of diversion indicated in Item 5. The reservoir is formed by an existing earth fill dam located within the McFaul Creek channel and located within the NW 1/4 NE 1/4 of Section

15, T. 13 N., R. 18 E., M.D.M.

Response to Item 15, Remarks.

Permit No. 45355 and supplementary permits.

Permits No. 45354, 45355, 45356, 45357, 45358 and 45359 were approved by the Nevada State Engineer concurrently in 1983 providing for change of point of diversion, manner and place of use for water previously appropriated from McFaul Creek. The original appropriations (Proof No. 01768, Permit Nos. 9014, 9093, 9094, 10380 and 10381) all provided for diversion of water from McFaul Creek for irrigation use and domestic use at a number of different locations. Total of appropriation for the base rights was 119.72 acre feet annually (99.12 acre feet for irrigation and 20.60 acre feet for other use). Permits no. 45354 through 45359 affected 43.28 acre feet annually of the base rights appropriations, leaving 76.44 acre feet for irrigation of 19.11 acres. Permits no. 45354 through 45359 are mutually supplementary and the total appropriation is limited to 43.28 acre feet annually.

Permits no. 53767, 53768, 53769, 53770, 53771 have resulted in change of points of diversion and places of use of portions of the original 43.28 acre feet appropriation totaling 28.91 acre feet annually, leaving a balance of 14.37 acre feet annually. This application will change the point of diversion, place of use and manner of use for the remaining 14.37 acre feet provided by Permit No. 45355 from Lake Tahoe back to the McFaul Creek source designated in the original base rights.

Upon approval of this application it is anticipated that the supplementary permits (45354, 45356, 45357, 45358 and 45359) will be canceled.

Proposed Manner and Place of Use.

The proposed place of use for this application is the reservoir created by an earth fill dam in the McFaul Creek channel referred to as Tranquility Lake, formerly Bourne Lake. The reservoir will also be used for storage of irrigation water appropriations, provided under the original base rights, totaling 76.44 acre feet annually which will be mingled with the 14.37 acre feet appropriation affected by this application. The 14.37 acre feet will be used to maintain a permanent pool in the reservoir for recreation purposes without interfering with the use of the reservoir for irrigation storage.